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SPEECH

OF

HON. S. W. INGE, OF ALA.

1817 - 1868

ON THE

PRESIDENT'S MESSAGE IN RELATION TO THE
TERRITORIES.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 12, 1850.

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SPEECH
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DELIVERED IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 12, 1850.

The House being in Committee of the Whole, Mr. INGE addressed the Committee as follows :

I propose to discuss the policy of the Administration in reference to the Territories of New Mexico and California, the constitutional rights of the South therein, and the probable consequences of their violation.

Admonished by the history of this Government, which is a narrative of aggressions by the North upon the South—of faith broken and compromises disregarded in the onward career of power—I do not feel that it is incumbent upon a Southern representative to offer any measure for the adjustment of existing difficulties. I have no more peace offerings to lay at the feet of power, to be indignantly spurned. If a returning sense of justice should at any time actuate the majority to propose a settlement consistent with our rights and honor, they cannot doubt its ready acceptance. Until that time, the appropriate discharge of my duty will lead me to expose the devices of fraud, to resist the assaults of power, and to defend the South, by whomsoever assailed.

The Message of the Executive distinctly announces the policy of the Administration. This policy has been adopted after the most thorough investigation, and is presented to us as the final result of long and anxious reflection. Coming from the highest functionary known to the Constitution of the country, it claims from this House a candid and dispassionate consideration. The influence of an executive recommendation is usually all powerful ; like the whistle of Rhodeic Dhu, it rallies a whole clan to its support. But, in the present case no—

“Bonnets, or spears, or bended bows,”

have emerged from the heather at the chieftain's call ; ominous signs of discord, indeed, are already apparent on the other side of the House ; and it seems that the present Executive is doomed to the fate of the unfortunate Actæon, who was torn to pieces by his own hounds. Whatever may be the fate of its author, however, or the views of members in regard to the details of the policy suggested, a majority of this House will concur in its most important recommendation.

This message changes the aspect of the sectional question ; it supercedes an old issue and presents a new one. The "Wilmot proviso" is no longer the question of the day ; it has given place to the "California proviso," which is presented to this House and the country with the unqualified endorsement of the Executive. It is important that the people interested should be advised of this change, and the motives which prompted it. The open defiance of the South to the "Wilmot proviso," and the sternly expressed determination to resist it "at all hazards and to the last extremity," have awakened the Union-loving propensities of this Administration and its Northern supporters. The representatives of the North, with the exception of a few "distinctive free-soilers," are willing to abandon—nay, have already abandoned—the "Wilmot proviso," and all are coming in unbroken phalanx to the support of the Executive recommendation. Believing the South will resist the Wilmot proviso, with characteristic discretion they recede ; on the other hand, the South are not committed against the *present* admission of California as a State, and it is believed that, with the whole power of this Administration exerted in its favor, and by an invocation to the party prejudices of our people, the Administration party everywhere will support that measure ; and thus, by a division of our strength, (which was irresistible when united against the Wilmot proviso,) the South will be powerless, and submission to the California proviso inevitable. I am for the union of the South, in support of the Constitution and of the rights which descended to us by inheritance ; but there is only one basis of union for Southern men—opposition to the declared policy of the present Administration, which seeks to build up an imperishable power upon the ruins of the Constitution and the South.

No argument is necessary to show the identity of these two measures. The Wilmot proviso excludes the citizens of the South, with their property, from emigrating to the Territories of the Union, and appropriates the common property of the several sovereignties composing the Union to the exclusive use and occupation of the people of the non-slaveholding States, and is enacted by Congress *primarily*. The California proviso is the same thing, literally and in substance, incorporated into a so-called constitution, and Congress is recommended, by the present admission of California, to enact it *secondarily*. The message clearly assumes that the people of the slaveholding States have no rights in these Territories, and recommends the latter measure, from obvious reasons of political expediency, as the preferable mode of exclusion. In the opinion of the Administration, the question now is, not whether the South shall be excluded, but in what manner it shall be done. I must be permitted to decline the discussion of a false issue ; to insist upon my right to be heard upon the merits of this question ; and to protest, in the name of the Southern people, against this prejudgment of their claims.

The origin of this policy may be seen in the movements of General Riley early in the preceding year. His first act was the issuance of a proclamation declaring the Mexican law to be in force ; laying off the country into districts, and calling upon the transient adventurers who had been lured thither to elect delegates to assemble in conven-

tion for the formation of a constitution, preparatory to its admission as a State into the Union.

If any doubt exist that the initiatory proceedings of Riley were approved by the Cabinet, or that he only did what King was authorized to do by the *carte blanche* of Mr. Clayton, I need only refer to the extracts read by the gentleman from Virginia, (Mr. SEDDON,) the first from the commander of the Pacific station, as follows :

“ The steamer Edith has been sent to Mazatlan for the necessary intelligence, and, on her arrival with information that no other than a revenue law had been passed, General Riley issued a proclamation for the election of the necessary executive and judicial officers under the existing laws, and recommending, at the same time, the election of delegates to a Convention to form a State Constitution. *Mr. King arrived at the time these proclamations were about being issued, and it was matter of great congratulation that the Government, by anticipation, had approved of the latter measure.* Every means will be used to give the people of California an opportunity of expressing their wishes on this point, and of bringing the matters to a happy conclusion.”

The second, from a despatch of the Secretary of War to General Riley, dated August 24th, 1849 :

“ WAR DEPARTMENT, August 24, 1849.

“ In view of the exercise of the most important political right which appertains to the people of California—that of forming a Constitution and asking admission into the Union of these States—this Department has watched with great care and solicitude the steps already taken to effect these objects. Regarding your proclamation of the 3d June last as a notice intended in part to render popular action uniform in respect to the desired organization into a more perfect Government, it is seen, with great satisfaction, that your propositions had been accepted with great cheerfulness and alacrity, except in few instances, where it is supposed selfish and unpatriotic motives prevailed. * * * *

“ GEO. W. CRAWFORD, *Secretary of War.*

“ Brevet Brig. Gen. RILEY, Monterey, California.”

But, as more conclusive than all else, I refer to the following extract from the proclamation itself :

“ The method here indicated to attain what is desired by all, viz : a more perfect political organization, is deemed the most direct and safe that can be adopted, and one fully authorized by law. It is the course *advised by the President and by the Secretaries of State and of War of the United States*, and is calculated to avoid the innumerable evils which must necessarily result from any attempt at illegal local legislation. It is therefore hoped that it will meet the approbation of the people of California, and that all good citizens will unite in carrying it into execution.

“ Given at Monterey, California, this third day of June, A. D. 1849. B. RILEY,

“ Brev. Brig. Gen. U. S. A., and Gov. of California.

“ Official : H. W. HALLECK, Brev. Capt., and Secretary of State.”

But Riley is a plain, blunt old soldier, more competent to the work of demolishing than of organizing communities ; and none know better than the present Executive, that military and civic greatness are not always inseparable. To consummate the designs of the cabinet, *secundem artem*, Mr. King, then a member of Congress elect from Georgia, was instructed to follow Gen. Riley. The message informs us that—

“ With a view to the faithful execution of the treaty, so far as lay in the power of the Executive, and to enable Congress to act at the present session with as full knowledge and as little difficulty as possible, on all matters of interest to these Territories, I sent the Hon. Thomas Butler King as bearer of despatches to California and certain officers to California and New Mexico, whose duties are particularly defined in the accompanying letters of instruction, addressed to them severally by the proper Department.”

The accompanying letter of Mr. Crawford states :

“ You are fully possessed of the President's views, and can with propriety suggest to the people of California the adoption of measures best calculated to give them effect.”

The verbal and confidential instructions given to Mr. King are not imparted in the message; but they can be ascertained with facility and certainty by looking to his acts and declarations, which are presumed to accord therewith. The pregnant sentence last quoted evidently refers to "views" not expressed in the written instructions, and which the Administration deemed it expedient to reserve as a part of the hidden history of this transaction. From various sources, official and unofficial, we are advised that Mr. King approved of the plan of operations originated in the proclamation of General Riley, urged on their rapid execution, and in a few months after his arrival in California, the transient adventurers in San Francisco and its neighborhood elected delegates, in conformity with the requirements thereof, who speedily thereafter assembled in convention and adopted the constitution, which the President says, "I earnestly recommend may receive the sanction of Congress."

We have strong reasons to believe that the "proviso" incorporated into this constitution was approved by Mr. King, who was understood to speak by authority of the Administration, in support of its views, and who could "with propriety suggest to the people of California the adoption of measures best calculated to give them effect." But the approbation of working is of little importance in measuring the responsibility of the Cabinet. The constitution of California has been published by the press of the country, and is accessible to all. The Cabinet have duly considered its provisions. They know that a few thousand transient adventurers, allured by the *auri sacra fames*, from every quarter of the globe, to the shores of San Francisco and the Sacramento, have, without the authority of Congress, elected delegates to a convention; which convention has defined the limits of a State, extending through ten degrees of latitude on the Pacific, with an area sufficient for half a dozen States of the first magnitude, and embracing all that is valuable for mining, commercial, or agricultural purposes within the Territory of California. And after an assertion of sovereignty over this national acquisition—less justifiable than the decrees of Cortes in the palace of Montezuma, or the legislation of Pizarro upon the fallen throne of the Incas—the convention adopted a fundamental clause, forever excluding the people of the South from its occupancy. With a full knowledge of the adoption of the slavery restriction in the constitution of California, the President "earnestly recommends that it may receive the sanction of Congress."

The message argues in support of the restriction as follows :

"In advising an early application by the people of these Territories for admission as States, I was actuated principally by an earnest desire to afford to the wisdom and patriotism of Congress the opportunity of avoiding occasions of bitter and angry dissensions among the people of the United States.

"Under the Constitution, every State has the right of establishing, and from time to time altering, its municipal laws and domestic institutions, independently of every other State of the General Government, subject only to the prohibitions and guarantees expressly set forth in the Constitution of the United States."

Lest the passage of the "Wilmot proviso" by Congress might occasion "bitter and angry dissensions among the people of the United States," the Californians were advised to adopt it. Their right to do so is considered unquestionable, because "every State has the right of

establishing, and from time to time of altering, its municipal laws and domestic institutions." The first statement assumes that the southern people only object to a certain form of exclusion, and will acquiesce in any other that the Cabinet may suggest, and the Californians adopt; the second that California is a *State* with full sovereignty, when in fact it has not yet been advanced to the rank of a territorial dependency of the Union.

When the people of California, after a suitable period of territorial tutelage, and in pursuance of an act of Congress, assemble in convention to adopt a constitution, they will possess the power, "under the general principles of the Constitution," to determine their own domestic institutions. But the scheme to exclude the people of half the States of this Confederacy, by the present population now roaming over that Territory, is in conflict with the whole spirit of the Constitution, and ought not "to receive the sanction of Congress."

From all the facts disclosed, it appears that the present State organization of California is the mere creature of a Cabinet intrigue, designed to relieve the present Executive from either an approval or a veto of the Wilmot proviso. I have no hesitation in asserting, that the policy recommended is more obnoxious to the South than the measure it was intended to supersede. The Wilmot proviso is a bold and open exercise of power by the Congress of the United States, which has the admitted right to legislate for the Territories, subject to the restraints of the Constitution; while the people who have assumed to incorporate the same proviso into the constitution of California have no color of authority to legislate for any purpose or to the most limited extent.

MR. BAKER. Did I understand the gentleman to say that Congress has the right to legislate for the Territories?

MR. INGE. Yes, the exclusive right; but subject to the restrictions which the letter and spirit of the Constitution impose. The letter of the Constitution says that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;" its whole spirit says, that Congress shall pass no law prohibiting "the extension of slavery." The gentleman seems blind to the distinction between *exclusive* and *unlimited* power. But it is characteristic of majorities to war against limitations of power.

The several States composing this Confederation acquired an indefeasible title to the Territories of California and New Mexico by the treaty of Guadaloupe Hidalgo, the ratifications of which were exchanged on the 30th of May, 1848. The several States, or the people thereof, became joint tenants of this common domain, entitled to equal rights therein, which the Federal Government, as the agent of all, is under the highest obligation to protect. In accordance with this obligation, it devolved on the last Congress to extend over it territorial governments which would invite the emigration of American citizens, with their property of every description, from every section of the Union. But the prevailing conflict of opinions and passions was fatal to harmonious action. Congress expired without the exercise of its legitimate authority over the Territories, leaving them subject to the Constitution of the United States, which is "the supreme

law of the land;" to the treaty of Guadalupe Hidalgo, "made under the authority of the United States;" and to the local laws of the Territory, as they existed at the conclusion of the treaty, regulating the relations of the inhabitants with each other, not in conflict with either the Constitution or the treaty. The termination of the war left a government *de facto* in full operation, competent to administer the laws, until a more effective government could be provided by Congress. Upon that subject, Mr. Buchanan says:

"In the meantime, the condition of the people of California is anomalous, and will require on their part the exercise of great prudence and discretion. By the conclusion of the treaty of peace, the military government which was established over them, under the laws of war, as recognized by the practice of all civilized nations, has ceased to derive its authority from this source of power. But is there, for this reason, no government in California? Are life, liberty, and property under the protection of no existing authorities? This would be a singular phenomenon in the face of the world, and especially among American citizens, distinguished as they are above all other people for their law-abiding character. Fortunately, they are not reduced to this sad condition. The termination of the war left an existing Government—a Government *de facto*—in full operation; and this will continue, with the presumed consent of the people, until Congress shall provide for them a Territorial government. The great law of necessity justifies this conclusion. The consent of the people is irresistibly inferred from the fact that no civilized community could possibly desire to abrogate an existing Government, when the alternative presented would be to place themselves in a state of anarchy, beyond the protection of all laws, and reduce them to the unhappy necessity of submitting to the dominion of the strongest."

This was the condition of California and New Mexico when the present Administration succeeded to office, on the 4th of March last.

I now proceed to inquire, what were the duties of the Executive in relation to these Territories? Under our form of government, the President possesses neither legislative nor judicial power. The Constitution distinctly defines the several departments and the appropriate functions of each, vesting in the President powers purely executive:

- "The Executive power shall be vested in a President of the United States of America."
- "The President shall be commander-in-chief of the army and navy of the United States."
- "He shall take care that the laws be faithfully executed."

We have seen that a government *de facto* was in operation, with full capacity for the preservation of order and the efficient administration of the laws. It was his duty, to the extent of his power, to maintain the existing Government until Congress exerted its paramount power to abrogate it, and to "take care that the laws be faithfully executed." The Constitution was "the supreme law of the land;" and if it had been faithfully executed—if the great principle which it embodies, of equal rights to all the citizens of the several States of this confederacy had been recognized and enforced in that territory—a slaveholding people would now and forever hereafter control its political destiny. But, instead of sustaining the government *de facto*, the first movement of the Administration was to send out an emissary to instigate its overthrow. Instead of taking care "that the laws be faithfully executed," the Constitution, which is "the supreme law of the land," has been contemptuously disregarded, and the civil code of a brevet brigadier general recognized as "the supreme law of the land." Instead of awaiting the action of Congress, the only law-making power of the Government, the Cabinet usurps the power of legislation; and, not being itself of easy locomotion, does

the work by proxy. The task of giving a government to California, which, at the last session, 230 members of Congress found it impossible to perform, is readily done by a single member, under a deputation from the Cabinet. Verily, Mr. King has discovered that there is more portency in a Cabinet authorization than in a commission derived from seventy thousand people of Georgia; that it is better to serve one than many masters.

If the past history of our country had furnished no precedents to guide the Administration, its interference in the affairs of California would excite less surprise, and might be charitably imputed to a misconception of its powers. But at least two cases—strictly analogous—are indelibly impressed upon our records: one (the acquisition of Louisiana) under the administration of Mr. Jefferson, in 1803; the other (the acquisition of Florida) under that of Mr. Monroe, in 1820—both of the first magnitude in their day, and entitled now to the highest importance as precedents, because their consideration elicited all the wisdom and virtue of their respective eras, and, more than all, because they were established under the administration of “our earlier Presidents,” in the purer and better days of the Republic. Both were acquisitions of territory from foreign powers, settled by a foreign population, and acquired by a treaty of cession as in the present case, and were subject to the same laws, viz: the Constitution of the United States, the treaties of cession, and the private local laws, not in conflict with either. Did Mr. Jefferson send a political emissary to Louisiana to advise the contented Creoles, numbering about 90,000, to rise up in defiance of the powers of Congress, and establish a revolutionary government subversive of the government *de facto*? If they had done so, would he have “earnestly recommended” to Congress the immediate admission of that immense territory, containing an area of more than 1,100,000 square miles, as one State, into this Union? On the contrary, Mr. Jefferson called Congress together on the 17th of October, 1803, three weeks earlier than the day fixed by the preceding Congress, and submitted the country to its jurisdiction?

A similar policy was pursued by Mr. Monroe, who followed the illustrious example of Jefferson; from which the present Cabinet, though pledged to imitate our “earlier Presidents,” has been the first to depart. I repeat, “the first to depart,” notwithstanding the inference which may be drawn from the following sentence of the message:

“It is understood that the people of the western part of California have formed a plan of a State Constitution, and will soon submit the same to the judgment of Congress, and apply for admission as a State. This course on their part, though in accordance with, was not adopted exclusively in consequence of, any expression of my wishes, inasmuch as measures tending to this end had been promoted by the officers sent there by my predecessor, and were already in active progress of execution before any communication from me reached California.”

Very true. Riley was sent to California by the preceding Administration; but his proclamation was not issued until the arrival of King, and it was ascertained that the present Government had, “by anticipation,” approved of that measure. If King’s instructions had conflicted with Riley’s programme of organization, of course the proclamation would have been suppressed; for King was at once recognized by the public functionaries in that distant province as the bearer of the Sultan’s firman, from whom there was no appeal, and

no alternative but obedience or the bow-string. The present Cabinet dare not make the charge directly, that Mr. Polk gave countenance to the scheme which has been so successfully carried out under their administration. They can only venture to say that measures tending that way had been promoted by officers sent there by Mr. Polk, from which some may draw the inference that he approved the course adopted by his own subordinates. If made directly or inferentially, I should feel authorized, from an examination of the subject, to regard it as a craven aspersion of the character of that eminent statesman, whose fame is now the fame of his country, of which you, and I, and all of us are the guardians.

In his annual message of December 25th, 1848, the last official communication embracing this subject, we find his views stated with the dignity and independence befitting the importance of the subject and his high official station. Unused to equivocation and untrammelled by the restraints of political expediency, his opinions on the subject of the Wilmot proviso were proclaimed to Congress, with the notification that its enactment would be resisted by the presidential veto. At the same time he urged that it was "the solemn duty of Congress, to provide with the least practicable delay, for New Mexico and California, regularly organized Teritorial Governments." Congress was further admonished of the danger of delay, and earnestly invoked, for the sake of the Union, "to adjust at its *present session* this, the only dangerous question which lies in our path."

These recommendations are too plain to be mistaken or misrepresented, and are, in effect, a disclaimer on the part of the Executive, of legislative power, and a reference of the subject to Congress for its adjustment; they are a condemnation "by anticipation" of the proceedings of Riley and King, and an unanswerable refutation of the views of the present Cabinet. The whole policy of President Polk may be summed up in a few words—*the immediate adjustment of this question by Congress without the Wilmot Proviso*. This was announced in his first message after the acquisition of those Territories, with singular felicity and power, and reiterated in each succeeding one with an earnestness of feeling and a force of argument which increased with the imminence of the danger. A recurrence to the action of the late Executive is gratifying to his friends. He did not look for the rules of his conduct to selfish expediency, but to the unchanging principles of the Constitution. He did not rely upon a concealment of his opinions for the success of his Administration, but upon a thorough understanding of himself, his motives, and his principles, by the great mass of his countrymen. It was his characteristic to meet danger with heroism, and to grapple with the passions and prejudices hostile to the Constitution and the Union, and overpower them by the irresistible force of truth. In vivid and sublime contrast with his successors, he sought safety neither in a concealment of his opinion nor a postponement of action. I am happy to believe that his countrymen, forgetful of past party divisions, are now paying to his memory the tribute of their admiration and gratitude; that his posthumous fame is undarkened by the mists which surrounded its morning beams.

An Administration which shuns responsibility, practises concealment, and resorts to the cunning devices of political expediency, cannot long survive the public contempt. The present one, not yet a year old, wears the aspect of effete and imbecile senility. In the hour of its conception, the seeds of death were planted in the heart of the embryo, and the throes and agonies of its parturition were unmistakable evidences that they had germinated, and would speedily fructify into a harvest of death. The living principle of popular support no longer gives sustenance to its tottering decrepitude. Its recommendation of inaction, in reference to the question which of all others demands immediate action, springs from a consciousness of weakness, and is the wail of the sick old man, who begs for repose when the deepening shades of eternal night are closing around him. But the hiss of human passions cannot be hushed by this querulous appeal. Events roll on, casting their lengthened shadows before them, threatening in their unchecked course, the destruction of the Constitution and the Union.

I trust that the remarks I have felt constrained by a sense of duty to make, touching the proposed policy of the Administration, will in no degree be attributed to partisan opposition. My object is to discuss the question of the rights of the South in the Territories of California and New Mexico, in its *present aspect*—to show that the “Wilmot Proviso” has been superseded by the Executive recommendation, which the South may and will defeat, if they meet it with firm, united, and determined resistance. Regarding this as a practical question, I shall insist not only upon the abstract right, but the actual usufruct of the South in this common property; and I acknowledge no party obligations which can restrain me in demanding both. No dangers which threaten the dissolution of parties or of the Union, are terrible enough to justify a further sacrifice on our part. I appeal to the Constitution, and demand for my section the right to carry negro slaves upon the land of which they are joint tenants. To those who are disposed to resist my views, I commend a more attentive reading of that instrument. They will find that it not only guaranties slavery where it exists, but provides for its extension. In the States where slaves existed, they were made the basis of apportionment and taxation, thereby contributing two of the great elements necessary to republican government, viz: representation to express its voice, and money for its support. To *extend* the institution indefinitely, it prohibited the passage of any law to stop the importation of slaves from Africa, and elsewhere, prior to the year 1808. Another clause, with a view to its perpetuation forever, provides for the recapture of fugitives who escape to non-slaveholding States.

Notwithstanding these plain stipulations between the slaveholding and non-slaveholding States, constituting the essential, vital provisions of the Constitution, without which, all admit the Confederation could not have been formed, we are cantingly told that “slavery is a sin, and the North is opposed to its extension.” “We, the philanthropists of this day, are better than the sages and heroes, purified by the trials of the Revolution and covered with its glories, who assembled in the old hall of the Confederation in

1787." I have no reply to make to these pharisaical pretensions; they are beneath contempt. I am content with the religion of the Bible, and the Constitution of our fathers, uncorrupted by the comments of the pseudo moralists and statesmen who now shed their coruscations upon us. I shall certainly not condescend to reply to the puling sophistry upon this subject, so often heard here. Were I disposed to argue the question of slavery, without reference to the Constitution, in all its relations, religious, moral, social, and political, no fear of its successful vindication would restrain me. It would seem to be profanation to call an institution of society irreligious or immoral, which is expressly and repeatedly sanctioned by the word of God; which existed in the tents of the patriarchs, and in the household of His own chosen people; and a perversion of the truth of history to denounce that institution as a social or political evil, which existed in all the free States of antiquity, and is inseparably connected with the arts and arms, the science and literature, the painting and statuary of Greece and Rome—upon which was erected a civilization which lit up the ancient world, and now illumines our own! But in our country we have the most striking and brilliant illustrations of the benefits of slavery, in the vast areas redeemed from the wilderness, where malaria forbade the emigration of whites, and which now teem with the production of southern staples; in the large amount of valuable exports, the product of slave labor, which freight the keels of commerce to every harbor of the world, and bring in return imports of corresponding value; in the individual prosperity and happiness of our people, without example in any other social organization; in our political stability, where no armed police is necessary for the suppression of mobs, and the mace of the civil magistrate is omnipotent.

But I cannot pursue these general reflections, which are out of place when uttered here. Our rights on each side grow out of the Constitution, and I am willing to abide by its stipulations and compromises without re-opening for controversy, questions which were definitely settled by its adoption. Slavery being recognized by the Constitution, and provision made for its perpetuation and extension in the clauses referred to, I consider all the parties to it, according to every known principle of legal construction, as *estopped by the record* from assailing it by word or act.

The people of the North could with much more propriety assail any other species of property held under the municipal laws of the several States; for, with two exceptions, viz: the right of property in negro slaves, and the exclusive right of authors and inventors "to their respective writings and discoveries," the Constitution does not specifically recognize the private rights of property, nor stipulate for their protection, but leaves them as they existed under the municipal laws. It results that we have a double protection: the municipal laws of the several States, and the express stipulations of the Constitution. Slaves were regarded as a kind of property entitled to special and peculiar favor, and were therefore singled out by the Constitution from the mass of other property—invested with higher dignity and guarded with greater security: too precious to be entrusted solely to State laws, the Constitution has thrown its own protecting ægis around it.

Upon all these points, however, Northern representatives pretend to differ with us, and insist upon the right to exclude the South from the common property. It remains to be seen whether the South will meet the "California proviso" with resistance, "at every hazard and to the last extremity," as she did the "Wilmot proviso." I am unwilling to live under the Union without the Constitution; the North cannot live and flourish without the Union. Much as they hate slavery, they love the Union more, and are willing to go no further in their aggressions than is consistent with its duration. This is strikingly illustrated in the history of the "Wilmot proviso."

Upon the first introduction of that measure in the 29th Congress, it received the sanction of this House, as it did at every succeeding session until the present. Within a few days past it has been laid upon the table by the votes of those known to be pledged to the exclusion of slavery from every foot of the common domain. This is a movement to elude Southern resistance and save the Union. They clung with iron tenacity to this favorite measure, until convinced that the choice was between the proviso and Union; and then, true to their instincts, they chose the latter. But the South has not gained the battle. The enemy has only changed front, to wheel into line, and renew the assault. Our only safety now is in standing to our arms.

MR. BAKER. Did I understand the gentleman as stating that the Wilmot proviso had been defeated? If so, when was it defeated?

MR. INGE. The other day when the resolution of the gentleman from Ohio [Mr. Root] was laid on the table.

MR. BAKER. When the proviso comes up as a distinct proposition it will not be defeated.

MR. INGE. But it will never come up as a distinct proposition, you will give it the go-by.

MR. BAKER. No, we will not. You will see.

MR. INGE. Yes, you will give it the go-by. Did you vote for the motion to lay the resolution on the table?

MR. BAKER. No.

MR. INGE. Then you had better ask those who voted to lay it on the table. You cannot answer for them; you are not in the secret.

They have deposed their old leaders—Hale, Seward, and Giddings—and rallied under the banner of "the hero that never surrenders." Upon that banner is inscribed, "the Union without the Constitution." As the Roundheads of Cromwell, when they charged the foe, were ordered to sing hosannas to the King of Hosts, they shout hosannas to "the Union," and for the same reasons. They know it is a word of inspiration to every American citizen, calling up memories full of glory and grandeur—a word of idolatrous worship, engraven upon the altar of our political temple. As the Persians fall prostrate before the rising sun, so we are expected to bow to the omnipotence of a word. I greatly mistake the character of our people, and under-rate their intelligence, if a recollection of past glories can make them insensible to present shame. Not all the prestige which clusters around the brow of the military hero, nor the charmed sway of the word "Union," can lull the people of the South into submission. The wrongs practised under this Union have induced them to reflect

upon its operations, and to inquire whether, in the course of events, its dissolution would be promotive of their security and happiness or otherwise. Without extinguishing the love of the South for the Union, these reflections have led to the opinion that we have within ourselves all the elements of wealth, prosperity, and national power, which, under a separate confederation, would be developed with unexampled rapidity.

With a territory of more than eight hundred thousand square miles, and a population of nine millions, we would at least be more respectable in dimensions and numbers than were our ancestors of 1776, at the commencement of the Revolutionary contest, and, if the worst calamity resulted from a dissolution, would not have a sturdier foe to encounter nor a more protracted triumph over oppression. But there would be no cause of war, in the event of separation; as our northern neighbors would be no longer responsible for the "sin of slavery," of course they would let us alone, in our harmless pursuit of happiness and prosperity. Our policy would not induce us to have much connection with them. Manufacturing skill is more advanced and labor cheaper in Old than in New England; and the latter would be consequently relieved from the manufacture annually of 500,000 bags of southern cotton; as a direct communication would immediately spring up between our southern ports and Europe, the coastwise trade would be measurably broken up, and we would no longer have need of northern bottoms. Our exports are now about double those of the North, and our imports should correspond; but they do not average much more than one-fourth. The explanation of this is, that our imports do not *now* return to us directly, but much the larger portion reaches us indirectly through the ports of the North, and are there taxed with the onerous profits of capitalists, importers, merchants, ship-owners, and others, who thus mainly subsist upon southern labor. This unnatural course of trade is one of the effects of the Union, and, in the absence of its commercial regulations, the natural laws of trade would resume their ascendancy, and the services of the commercial classes of the North be no longer required. Our tonnage is now inconsiderable, and our shipping would at first be insufficient for the great demands of our exports and imports; but the English ship-owners would underbid those of the North, who would not be required to serve us in this way. What would be the effects of all this upon the great commercial marts now revelling in opulence?—upon her flourishing manufacturing towns, swelling into the importance of cities?—upon her vast tonnage, increasing with the increase of southern productions? I leave these to be answered by the demagogue who, in the event of dissolution, would be doomed to howl forever amid the desolation he will have caused.

The Federal Government raises annually from imports more than thirty millions of dollars, which go into the national treasury, and indirectly an immense sum is levied upon the South for the benefit of northern manufacturers. This revenue is expended chiefly in the North; and while the South pays tribute to this Government, she is scarcely permitted to share in the largess.

Under a separate southern confederation, we would be relieved of

these burdens ; the wealth of our soil would accumulate in the hands of its natural proprietors, to be expended within our own limits in works of utility and taste.

Our monopoly of the valuable staples of cotton, tobacco, sugar, and rice, would insure us the chief control of the commerce of the world. Our natural facilities of intercommunication would invite an extended internal commerce. Holding the mouth of the Mississippi, and the most important part of its navigable trunk, all the produce of the non-slaveholding States, which seeks egress to the ocean through its channel, would pay us tribute. Cuba, with her institution of slavery and kindred sympathies, is ready to spring into our embrace, and a field of indefinite extension invites us south and west of the Rio Grande. With these views of future wealth and grandeur lightening up the path of our destiny, can you believe that we fear to tread it alone ? When these points, barely noticed in my remarks, are fully elaborated, in all their amplitude, before the Southern Convention to assemble in Nashville in June next, can you doubt the unanimity of the South ? I believe that love of the Union is still strong with the Southern people ; but will it be increased by a bold and free discussion of these topics ?

The objects of this Convention are to maintain the rights of the South, under the Constitution, and *save the Union* ; but I submit to the consideration of the representatives of the North, if it would not be better, by a timely display of magnanimity on their part, to concede the one object, and thereby accomplish the other, without forcing us to this perilous expedient ? The meeting of this Convention is decreed by the irreversible voice of the people, unless the action of Congress, in due time, remove the causes of present complaint and future apprehension ; and whilst I avow its object to be conservative, I should be wanting in candor were I not to declare that it may lead to other and far different results. The intense excitement of the public mind is comparatively powerless now, because of the diversity of views in regard to the proper remedy for the mischief. But this heat is favorable to fusion of mind upon subordinate details, and the recommendations of the Convention are not likely to meet with a cold reception from the masses, especially if they are extreme or revolutionary. Their effect will be to concentrate the public mind upon an organized plan of action, which will be carried into execution with a celerity and energy which no opposition will dare to encounter.

The meeting of the convention will be preceded by popular elections for delegates, occurring about the same time throughout the whole South. In this canvass all those questions which tend to the estrangement of the people from the Union will necessarily be introduced, and augment, without measure, the present excitement. With these causes of aggravation, who can estimate the force of the pressure from without upon this convention ? The continental Congress of '76 were swept on by the storm of popular excitement to the declaration of American independence, which forever dissolved our union with Great Britain. The acts of insult and injury which kindled the fires of the Revolution were trivial, in comparison with those which now inflame the public mind of the South.

Have our people forgotten the memorable declaration, that "when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security?" I warn the North, that the living truth here uttered animates every Southern heart, and that every voice in that convention will proclaim it; that millions of freemen will shout their joyous responses, until every hill and valley of the South resound with the anthem. Do not delude yourselves with the fatal error, that the resistance of the South is confined to one *form of aggression*—the Wilmot proviso; and that your objects can be accomplished by adopting the substitute proposed by the Cabinet. The same resistance will be offered to the admission of California.

We know that the admission of California would be followed by immediate results more injurious to us than the application of the Wilmot proviso to all the Territories of the Union. Representation in both branches of Congress would instantly follow its admission, and two additional free-soil Senators would give efficient aid in extending this favored principle to our remaining territory. The strict balance of power no longer exists in the Senate, but with the aid of a few heroic friends from the non-slaveholding States, that theatre has heretofore been doubtful battle-ground. But with any accession to the strength of the North, the parliamentary struggle could be no longer maintained. From this consideration alone, the present admission of California would meet with determined and unmeasured resistance.

Will the representatives of the North attempt, by the power of numbers, to outrage the Constitution and degrade the South by the admission of this Territory as a State, without the offer of some equivalent? I suggest to them to remember that we are sworn to support the Constitution, and could scarcely sit in tame acquiescence and witness its open and shameful violation. The attempted consummation of such an act would be the overthrow of the Constitution which the people we represent would resist "to the last extremity." We are here as the representatives of the people, but are our obligations to the Constitution and the South less than those of other individual citizens, who, in the aggregate are the *people*? We assume *additional obligations* when we come as representatives; but are we relieved from those which rested upon us as private citizens? My individual opinion is, that if the southern people ought to resist a measure of aggression, after its consummation, we here are under the same or a higher obligation to resist its consummation. These suggestions are made, not in the nature of threat or menace. I do not underrate the firmness of the North; as a matter of discretion, it is always proper to assume that your antagonist is firm, even if the fact be doubtful. But the course proper to be pursued in any and every event is for the determination of southern members. I am willing to suggest, and if my course is not approved, to follow any path of honor which may be pointed out by those who are older and wiser. I trust that we shall stand together as one man, and present our breasts as the shield of the Constitution.